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October 17, 2012

In re Merck & Co., Inc. Securities, Derivative & ERISA Litigation  
The Consolidated Securities Action, No. 05-CV-02367

Dear Magistrate Judge Waldor:

We represent Defendants (other than Dr. Scolnick) in the above-captioned action. We write with respect to Plaintiffs' letter to the Court dated October 17, 2012 (the "October 17 Letter"), which seeks an extension of the time to respond to the issues raised in Defendants' October 16, 2012 letter to the Court (the "October 16 Letter") regarding Plaintiffs' October 1, 2012 Subpoena *Duces Tecum* (the "Subpoena") to Cornerstone Research ("Cornerstone"). Defendants do not oppose Plaintiffs' requested extension of the time to respond to the October 16 Letter.

This is primarily a discovery dispute between Plaintiffs and Cornerstone. Defendants filed the October 16 Letter solely for the purpose of asserting and preserving Merck's privilege and other legally protected interests in materials sought by certain Requests in the Subpoena. Defendants have not been party to any discussions between Plaintiffs and Cornerstone regarding the Subpoena, and Defendants only learned of the scheduled meet-and-confer between Plaintiffs and Cornerstone by way of Plaintiffs' October 17 Letter. Defendants would nonetheless be willing to participate in that meet-and-confer, if invited, or to meet and confer with Plaintiffs separately concerning the issues raised in the October 16 Letter.

Respectfully submitted,



Robert H. Baron

Honorable Cathy L. Waldor, U.S.M.J.  
United States District Court  
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& U.S. Courthouse  
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VIA ELECTRONIC FILING

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